

PDR No. 0021-17

KAITLYN RITCHERSON	§	IN THE TEXAS COURT OF CRIMINAL APPEALS
	§	FILED 6/2/2017
v.	§	ABEL ACOSTA, CLERK
	§	CRIMINAL APPEALS
STATE OF TEXAS	§	AT AUSTIN, TEXAS

PETITIONER'S MOTION FOR EXTENSION OF TIME TO FILE
MERITS BRIEF DISCRETIONARY REVIEW

TO THE HONORABLE JUSTICES OF SAID COURT:

Now comes KAITLYN RITCHERSON, Petitioner in the above styled and numbered cause, and moves this Court for a 30-day extension to file her Merits Brief on Discretionary Review, and would show as follows:

1. Petitioner has been convicted for the offense of Murder and has been assessed a sentence of 25 years.
2. The Third District Court of Appeals issued an published decision in this case on August 31, 2015. *Kaitlyn Lucretia Ritcherson v. State of Texas*, 03-13-00804 (Tex.App.- Austin, August 31, 2015). Following the grant of Petitioner's post-conviction writ of habeas corpus to file an out-of-time appeal, Petitioner timely filed a PDR in this Court.
3. On May 3, 2017, this Court granted Petitioner's PDR and directed Petitioner to file a Merits Brief in this Court by June 2, 2017.

5. The undersigned counsel seeks an extension of thirty (30) days from the present due date to file the Merits Brief. Counsel requires the additional time to prepare a merits brief due to the following matters which, in addition to his daily court practice, have required additional attention.

- a. *State of Texas v. Semere Berhe*, – trial on Aggravated Robbery and Aggravated Kidnaping was held in the 299th District Court of Travis County, Texas on May 1 through May 5, 2017, and a sentencing hearing was continued and occurred on May 25, 2017;
- b. *USA v. Luis Loza* – brief filed in the 5th Circuit Court of Appeals on 5/24/17;
- c. *State of Texas v. Semere Berhe* – trial on Aggravated Assault with a Deadly Weapon is being held in the 421st District Court of Caldwell County, Texas, commencing on May 30, and expecting to end on June 6, 2017.

In addition to the foregoing, Counsel was in Fort Worth, Texas for his daughter's college graduation and move-out from May 12 through 14, 2017.

And in addition to the foregoing, counsel would show that he has the following matters which have also required his attention and which have interfered

with his ability to prepare the merits brief in the present case;

- a. *State of Texas v. Jason Strutz* – appellate brief over due in the Third District Court of Appeals and is subject to an absolute deadline of June 30, 2017; *and*,
- b. *USA v. Quincy Goodson* – appellate brief is due on the 5th Circuit Court of Appeals on June 5, 2017.

6. Accordingly, the undersigned counsel requests this Court extend the deadline to file the PDR in this case by 30 days from the current due date.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Court grant this Motion, and grant an additional 30 days to file the Merits Brief in this case

Respectfully submitted,

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Attorney for Kaitlyn Lucretia Ritcherson

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2017, a copy of the above and foregoing motion has been served by mail upon the Travis County District Attorney's Office, at the following address:

Travis County District Attorney
Appellate Division
P.O. Box 1748
Austin, TX 78767

upon the State Prosecution Attorney by U.S. Mail at the following address:

State Prosecuting Attorney
P.O. Box 13046
Capitol Station
Austin, Texas 78711

/s/ *Alexander L. Calhoun*
Alexander L. Calhoun